

## Conyers and Lofgren Demand That DHS Issue Rule for Crime Victims

### Administration Has Failed to Adopt Regulations to Protect Crime Victims Who Cooperate With Law Enforcement

Washington, D.C. – Judiciary Committee Chairman John Conyers (D-MI) and Immigration Subcommittee Chair Zoe Lofgren (D-CA) recently sent a letter to Secretary of Homeland Security Chertoff demanding that the Department issue long overdue regulations on the adjustment of status for U and T visa holders. Congress created these visa categories, which allow immigrant victims of trafficking and other serious crimes who assist law enforcement to obtain permanent residence, in 2000. Eight years later, DHS has yet to issue regulations on the adjustment of status for eligible U and T visas.

"Victims of crimes such as modern-day slavery should not have to fear deportation for reporting their abuse and cooperating with law enforcement," said Conyers. "An 8-year delay in issuing regulations is inexplicable, given the bipartisan consensus that these people deserve legal protection."

"Congress overwhelmingly passed the Victims of Trafficking and Violence Act in 2000 with a promise to survivors – cooperation in bringing your tormenters to justice would be rewarded, not punished," added Lofgren. "It is high time that the Administration delivers on that promise."

Full text of the letter below:

July 10, 2008

The Honorable Michael Chertoff  
Secretary  
U.S. Department of Homeland Security  
Washington, D.C. 20528

Dear Secretary Chertoff:

We write to inquire about the status of the Department of Homeland Security (DHS) regulations for the adjustment of status of T and U nonimmigrants. Congress has been waiting for almost eight years, since the beginning of this Administration, for the issuance of these regulations.

In 2000, as a part of the Victims of Trafficking and Violence Protection Act of 2000 (VTVPA), Congress created the T and U visas for immigrant victims of trafficking and other serious crimes who assist U.S. law enforcement agencies. When regulations implementing these provisions had not been issued more than five years after the enactment of VTVPA, Congress mandated the issuance of these regulations within 180 days of the enactment of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA 2005). VAWA 2005 became law on January 5, 2006, so the regulations should have been issued on or before July 5, 2006. Despite the enactment of VTVPA eight years ago, and an explicit Congressional mandate to issue the implementing regulations more than two years ago, DHS has yet to issue the T and U adjustment regulations.

**The failure to timely issue this rule has had concrete, detrimental impact on the lives of crime victims and their families.**

Attached is a collection of real life stories of T and U visa holders who have been harmed by the inability to adjust their status.

According to a May 9, 2008 White House memo, "regulations to be finalized in this Administration should be proposed no later than June 1, 2008, and final regulations should be issued no later than November 1, 2008." In light of this memo, and the passage of the June deadline for proposed regulations, we are very concerned that your Department will not be successful in issuing the T and U adjustment regulations before the end of this Administration, despite a wait of almost eight years.

Given the extraordinary delay of these regulations for this particularly vulnerable class, we strongly encourage you to issue these regulations as soon as possible as an interim final rule with a concurrent opportunity for notice and comment, as was done with regulations on U nonimmigrant status in September 2007.

Thank you for your timely consideration of this matter. We would greatly appreciate a response regarding this matter no later than July 15, 2008.

Sincerely,

John Conyers, Jr.  
Chairman  
The Committee on the Judiciary

Zoe Lofgren  
Chairwoman  
Subcommittee on Immigration, Citizenship,  
Refugees, & International Law

Congresswoman Zoe Lofgren is serving her seventh term in Congress representing most of the City of San Jose and Santa Clara County. She serves as Chair of the House Judiciary Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law. She also Chairs the House Administration Subcommittee on Elections and serves on the House Homeland Security Committee. Congresswoman Lofgren is Chair of the California Democratic Congressional Delegation consisting of 34 Democratic members of the U.S. House of Representatives from California.